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EXAMINER	
ZHANG, SHIRLEY X	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/797,994	GILES ET AL.	
	Examiner	Art Unit	
	SHIRLEY X. ZHANG	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4,13,16 and 35-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4, 13, 16 and 35-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This final office action is prepared in response to the applicant's amendments and arguments filed on April 9, 2008, as a reply to the non-final office action mailed on January 15, 2008.

Claims 1-3, 5-12, 14-15 and 17-34 have been canceled;

Claims 4, 13 and 16 have been amended;

Claims 35-40 are newly added;

Claims 4, 13, 16 and 35-40 are now pending;

Response to Arguments

Applicant's arguments and amendments filed on April 9, 2008 have been carefully considered but are deemed unpersuasive.

Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendments to the claims that significantly affected the scope thereof.

Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claims 4, 13, 16 and 35-40** are rejected under 35 U.S.C. 103(a) as being obvious over Kennedy (U.S. Patent No. 6,134,582).

Regarding claim 35, Kennedy disclosed in a computing network comprised of a plurality of interconnected servers for transferring messages among the interconnected servers (column 2, lines 40-41 disclosed a system for managing messages in a client-server environment), and wherein at least some of the servers use a communication protocol that is not configured for communicating filtering information to the server (column 8, line 54 disclosed a POP3 server; the POP3 protocol does not support communication of filtering information to the server), and wherein the computing network also comprises a plurality of client side computing devices for accessing the servers and downloading messages (Fig. 1 and column 7, lines 10-12 disclose a plurality client devices 11a, 11b and 11c), a method of using client-side tracking mechanisms to allow a client side computing device to efficiently determine which messages need to be downloaded from the at least some servers for filtering at the client side computing device, so that essentially most of the filtering operations occur before the messages are downloaded (Figs. 4a-4k), the method comprising:

setting at a client side computing device a filter criteria for new messages (column 3, lines 4-7 disclose that the step of downloading a message from the server to the client can include determining whether a size restriction has been set for downloading the message, where setting a size restriction is an example of setting a filter criteria);

receiving at a client side computing device a list that identifies the messages maintained at at least one server using a communication protocol that is not configured for communicating filtering information to the server (column 10, lines 5-22 disclose that the client 20 transmits a UIDL, TOP or LIST command to the server to request for identification information associated with a message; In the POP3 protocol, each of these commands may also request for identification information associated with a list of messages);

retrieving at the client side computing device a message store table that contains records identifying messages that have met the filter criteria, and marking each record with a flag (Figs. 4a-4k; column 9, lines 45-48 disclose that Figs. 4a-4k illustrates a client-based database for archiving messages, and marking each message with flags such as “On server”, “Download”, and “Delete”);

retrieving at the client side computing device a table that contains records identifying messages that have not met the filter criteria (Figs. 4a-4k illustrate the client based database table 39 that contains columns “Message Size” and "Download flag"; column 18, lines 14-19 disclose that the message size for a message can be populated in the message size field immediately after obtaining the list of message sizes at step 328 in Fig. 5c; by following the steps in Fig. 5c, one of ordinary skill in the art can conclude that the result of the process is a database table 39 that may contain message entries whose message size field is populated but the “Download” flag remains unchecked because the message is greater than the predetermined size limit, therefore is not downloaded, i.e., these entries identify messages that have not met the filter criteria of size restriction).

comparing the messages identified in the received list with the records contained in the message store table and the checked table (column 12, lines 21-40 disclose that an UIDL retrieved from the server is compared to each message entry in the database 39 to determine whether there is a match) and then downloading to an inbox at the client side computing device only those messages that do not already correspond to a record in the message store table (column 12, lines 59-60 disclose that each new message is downloaded into the local message store 38, which is equivalent to an inbox recited in the claim), so that download time is limited only to new messages (column 15, lines 52-54 disclose that an advantage of Kennedy's invention is that messages that have already been downloaded from the server to the local message store are not downloaded again)

checking the new messages downloaded against the filter criteria, and either adding a new record to the message store table if the filter criteria is met (column 13, lines 27-28 disclose that after downloading new messages to the local message store 38, a "download" flag is set in a message entry of the database 39; in Kennedy, only new messages that meets the size restriction criteria are downloaded; see Fig. 5c and column 17, lines 35-50 for more information), or else adding a new record to the checked table if the filter criteria is not met (As already addressed above, by considering the disclosure in column 18, lines 14-19, the result of the process described in Fig. 5c is a database table 39 that may contain message entries whose message size field is populated but the "Download" flag remains unchecked because the message is greater than the predetermined size limit, and therefore is not downloaded, i.e., these entries identify messages that have not met the filter criteria of size restriction); and

removing any remaining records with marked flags in the message store table and the checked table (column 15, lines 2-5 disclose that each message entry having an "on server" flag in a false state "F" is deleted from the databse 39 because the associated message is no longer located on the server).

Kennedy does not explicitly disclose the following elements in the claim:

a. A checked table that only contains records identifying messages that have not met the filter criteria and marking each record with a flag;

b. That the message store table and the checked table are two distinct tables; and

c. The marking and unmarking of records in the message store table and the checked table in the exact same sequence as described in the claim; and

Regarding element a, Examiner asserts that although Kennedy does not explicitly disclose the said checked table, the database table 39 disclosed by Kennedy in Figs. 4a-4k contains enough information in columns "UIDL", "Message Size" and "Download" that one of ordinary skilled in the art can utilize the information to identify messages not meeting the filter criteria (i.e., size restriction) in many different ways, with the said checked table being one of the possible embodiments, where the said check table can be generated by querying the database 39 using any database querying languages.

It would have been obvious for one skilled in the art at the time of the invention to modify Kennedy so that messages that have not met the filter criteria are explicitly identified using a table, which table can be generated by querying the database 39 illustrated in Figs. 4a-4k.

One would have been motivated to modify as such by Kennedy's disclosure in column 15, lines 50-67 and column 16, lines 1-2 that there exists efficiency problems in prior systems due to downloading a message twice. It is in the knowledge of one of ordinary skill in the art that the efficiency problem includes unnecessary downloading of messages that do not meet filter criteria, therefore a way to identify such messages to avoid unnecessary downloading is highly desirable.

As to element b, Examiner asserts that the claim does not explicitly state that the message store table and the checked table are two distinct database tables.

As to element c, Examiner asserts that marking and unmarking of records in data tables is a matter of implementation choice, and that Kennedy's way of setting flags and fields in the database 39 can achieve the same result as what the application is claiming.

Claim 36 is a method claim that contains substantially the same limitations as claim 35.

Furthermore, claim 36 includes the limitation that the method is implemented by computer program product's computer-executable instructions, which is anticipated by Kennedy's disclosure in column 5, lines 55-67 of the exemplary operating environment for the invention, where the operating environment comprises programs that include routines, operating systems and application programs that are computer program product's computer-executable instructions.

Therefore claim 36 is rejected under the same rationale as claim 35.

Regarding claim 37, Kennedy disclosed an obvious variation of the method as defined in claims 35 or 36.

Kennedy further disclosed that the client side computing device includes a plurality of application programs running on the client side computing device (column 5, lines 21-67), and

wherein one or more of the application programs may configured by a user to establish filtering criteria for message information handled by that particular application program (column 3, lines 5-7 disclose that the client device can set a size restriction for downloading messages).

Regarding claim 38, Kennedy disclosed an obvious variation of the method as defined in claim 37.

Kennedy further disclosed that the client side computing device includes a message store managing component which allows each of the application programs to store and retrieve stored messages for that application program (column 4, lines 41-45).

Regarding claim 39, Kennedy disclosed an obvious variation of the method as defined in claim 38.

Kennedy further disclosed that the client side computing device includes a plurality of transports configured to receive and transmit different types of messages (column 8, lines 45-50 disclosed IMAP, POP3, SMTP, MIME and HTML as different transports for receiving and transmitting messages).

Regarding claim 40, Kennedy disclosed an obvious variation of the method as defined in claim 39.

Kennedy further disclosed that the messages may comprise any or all of the following kinds of messages: IMAP4, SMS, POP3, Active Sync, IM, and MMS (column 8, lines 45-50 disclosed IMAP, POP3, SMTP, MIME and HTML; applying the invention to other messages such as SMS, Active Sync, IM and MMS is an obvious variation).

Regarding claim 4, Kennedy disclosed an obvious variation of the method of claim 35. Kennedy further disclosed wherein receiving the list that identifies the messages comprises issuing a UIDL command to a POP3 server and receiving a plurality of unique message identifiers in response (column 10, lines 5-22).

Regarding claim 13, Kennedy disclosed an obvious variation of the method of claim 35.

Kennedy does not explicitly disclose that the filtering criteria comprise a time window.

However, Friend disclosed a system and method for full wireless synchronization of data between a wireless device and a messaging system, where the data includes e-mail messages (column 2, lines 14-20) and the synchronization may be done for relatively new messages, e.g., messages received over a 24-hour period (column 12, lines 54-57).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Kennedy with Friend's teaching such that Kennedy's e-mail managing system use a time window as a criteria for deciding whether a message should be downloaded, so as to avoid

downloading old messages that is of less interests to the user, and therefore further improve the efficiency of the message management.

One would have been motivated to combine Kennedy and Friend because both inventions disclose e-mail message synchronization between client devices and message servers (Kennedy, column 2, lines 40-48 and Friend, column 2, lines 24-31), and both inventions express the need for saving bandwidth and time on the device during synchronization (Kennedy, column 16, lines 1-2 and Friend, column 21, line 30), therefore adding a time window as the filter criteria to Kennedy's invention would have yielded the predictable results of saving download bandwidth and time without undue experimentation.

Regarding claim 16, Kennedy disclosed the method of claim 36 wherein ~~r~~eceiving the list that identifies the messages comprises issuing a UIDL command to a POP3 server (column 10, lines 5-22).

Conclusion

THIS ACTION IS FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIRLEY X. ZHANG whose telephone number is (571)270-5012. The examiner can normally be reached on Monday through Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. X. Z./
Examiner, Art Unit 2144
06/26/2008
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